

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID E. MACK §
Plaintiff, §
§
v. § CIVIL ACTION NO. 4:13-CV-00544
§
PROGRESSIVE FINANCIAL §
SERVICES, INC., CHRISTOPHER HALE §
Defendants. §

**DEFENDANTS PROGRESSIVE FINANCIAL SERVICES, INC. AND CHRISTOPHER
HALE'S ANSWER TO PLAINTIFF'S COMPLAINT**

COME NOW, Defendants Progressive Financial Services, Inc. and Christopher Hale, by and through the undersigned counsel, and file their Answer and Defenses to Plaintiff's Original Complaint "Complaint" filed by David E. Mack ("Plaintiff"). The paragraph numbers below correspond with the paragraph numbers contained in the Plaintiff's Complaint to the extent possible:

I.
NATURE OF ACTION

1. Defendants admit Plaintiff has made allegations that Defendant violated various statutes.
Defendants deny violating any statute.
2. Defendants admit Plaintiff seeks money, but deny they violated the statute.
3. Defendants admit Paragraph 3.
4. Defendants are without sufficient evidence to admit or deny Paragraph 4.
5. Defendants are without sufficient evidence to admit or deny Paragraph 5.
6. Defendants admit Paragraph 6.
7. Defendants admit Paragraph 7.

8. Defendants admit Christopher Hale is an alias for an employee of Progressive Financial Services, Inc.
9. Defendants deny Paragraph 9.
10. Defendants admit they collect debt.
11. Defendants are without sufficient information to admit or deny Paragraph 11.
12. Defendants are without sufficient information to admit or deny Paragraph 12.
13. Defendants are without sufficient information to admit or deny Paragraph 13, but admit it sent a letter to Plaintiff.
14. Defendants are without sufficient information to admit or deny Paragraph 14. Defendants admit receiving a letter requesting information as to the debt.
15. Defendants are without sufficient information to admit or deny when Plaintiff received correspondence, but admitted it mailed validation information and correspondence to Plaintiff.
16. Defendants deny Paragraph 16.
17. Defendants deny Paragraph 17.
18. Defendants deny Paragraph 18.
19. Defendants admit receiving a letter from Plaintiff.
20. Defendants admit receiving a Notice of Intent to Sue from Plaintiff.
21. Defendants deny they did not respond to Plaintiff.
22. Defendants deny Paragraph 22.
23. Defendants are without sufficient information to admit or deny Paragraph 23.
24. Defendants adopt their prior pleadings.

25. Defendants deny Paragraph 25 and further deny Plaintiff is entitled to the relief sought. Defendants specifically deny Plaintiff is an attorney.
26. Defendants adopt and reallege the preceding paragraphs.
27. Defendants deny Paragraph 27 and further deny the relief sought specifically. Plaintiff is not entitled to statutory damages or attorney fees under the provisions plead.
28. Defendants adopt and reallege the preceding paragraphs.
29. Defendants deny Paragraph 29 is a complete or accurate statement of the law.
30. Defendants deny Paragraph 30 and further deny the relief sought and specifically that Plaintiff can recover treble damages or attorney fees.

II.
AFFIRMATIVE DEFENSES

31. Plaintiff has failed to mitigate damages, if any.
32. Plaintiff's damages, if any, are the result of a preexisting condition.
33. Plaintiff's pleading fails to state a claim upon which relief can be granted.
34. Any violation, if it occurred, is a result of a bona fide error.

WHEREFORE, PREMISES CONSIDERED, Defendants, respectfully pray that Plaintiff take nothing herein, that said Defendants be dismissed with their costs, and all other and further relief, at law or in equity, to which Defendants may be justly entitled.

Respectfully submitted,

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ROBBIE MALONE, PLLC

/s/ Robbie Malone
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record via ECF and Certified Mail, Return Receipt Requested on this 14th day of November, 2013.

David E. Mack
7720 McCallum Blvd. #2099
Dallas, Texas 75252

/s/ Robbie Malone
ROBBIE MALONE